UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,718	06/27/2003	Kevin T. Rowney	006224.P001X3	9417

7590   11/14/2008

Marina Portnova
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025

EXAMINER
DAYE, CHELCIE L

ART UNIT	PAPER NUMBER
2161	

MAIL DATE	DELIVERY MODE
11/14/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _03 October 2008_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-6 and 8-32_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-6 and 8-32_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _10/3/08_.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   This action is issued in response to applicant's RCE filed October 03, 2008.

2.   Claims 1-32 are presented. No claims are added and claim 7 is cancelled.

3.   Claims 1-6 and 8-32 are pending.

4.   Applicant's arguments filed October 03, 2008, have been fully considered but they are not persuasive.

Continued Examination Under 37 CFR 1.114

5.   A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 03, 2008 has been entered.

Information Disclosure Statement

6.   The information disclosure statement filed 10/03/08 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. *More specifically, the content of the PCT Report has not been provided.*

Claim Rejections - 35 USC § 112

7.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8.   Claims 1, 20, and 31-32 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The claims recite "indication being detected based on the abstract data structure without using the pre-selected data"; however, the preceding claim limitation requires the abstract data structure to be derived from the pre-selected data. The examiner believe that in order for the system to use the abstract data structure to locate the needed data information (i.e. pre-selected data), the system must use what is within the abstract data structure which would be the pre-selected data as opposed to using the abstract data structure without using/considering what is in the abstract data structure. The specification does not provide detailed support for such amendment to describe that the indicated pre-selected data has been detected based on the abstract data structure <u>without using</u> the pre-selected data, at all. Corrections needed.

9.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10.   Claims 1, 20, and 31-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In particular, newly amended claims 1, 20, and 31-32 recite "indication being detected based on the abstract data structure without using the pre-selected data". The examiner is unclear as to how there is an indication being detected <u>based on</u> the abstract data structure <u>without using</u> the pre-selected data, when the abstract data structure is <u>derived from</u> the pre-selected data (stated within the 1st limitation of the claim). Further corrections are needed.

Claim Rejections - 35 USC § 103

11.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12.   Claims 1-3,6,8-15,20-21,24-26, and 31-32, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bradshaw (US Patent No. 5,835,722) filed June 27, 1996, in view of Shannon (US Patent No. 6,233,618) filed March 31, 1998.

Regarding Claims 1, 20, and 31-32, Bradshaw discloses a method for a client device, comprising:

searching, text contained in a plurality of documents stored on a plurality of data storage media of the client device for an indication that at least a portion of the pre-selected data stored on the server may be contained in the text of the plurality of documents (column 6, lines 5-20 and 40-49; column 7, lines 19-38, Bradshaw);

detecting at least a portion of the pre-selected data in the text of at least one of the plurality of documents stored on any of the plurality of data storage media of the client device (column 8, lines 35-58 and column 10, lines 15-30, Bradshaw)[1], the client device being a personal computing device (column 5, lines 37-38, Bradshaw). However, Bradshaw is not as detailed with respect to receiving an abstract data structure derived from pre-selected data to be protected; the searching being performed locally; the indication being detected based on the abstract data structure without using the pre-selected data; and sending, from the client to the server, a notification of detection of at least a portion of the pre-selected data in the text of at least one of the plurality of documents stored on any of the plurality of data storage media of the client device. On the other hand, Shannon discloses receiving an abstract data structure derived from pre-selected data to be protected (column 8, lines 24-67,

---

[1] Examiner Notes: Further examples of detecting pre-selected data can be found at column 11, Examples 1 and 2, Bradshaw.

Shannon)[2]; the searching being performed locally (column 6, lines 28-35; column

9, lines 27-39, Shannon); the indication being detected based on the abstract

data structure without using the pre-selected data (column 8, lines 49-67,

Shannon); and sending, from the client to the server, a notification of detection of

at least a portion of the pre-selected data in the text of at least one of the plurality

of documents stored on any of the plurality of data storage media of the client

device (column 14, lines 26-48, Shannon)[3]. Bradshaw and Shannon are

analogous art because they are from the same field of endeavor of controlling the

access of particular data. It would have been obvious to one of ordinary skill in

the art at the time of the invention to incorporate Shannon's teachings into the

Bradshaw system. A skilled artisan would have been motivated to combine as

suggested by Shannon at column 3, lines 46-50 and column 4, lines 33-50, in

order to provide a more efficient and up-to-date system for controlling access by

client computers to available data dependent upon the content.

Regarding Claim 2, the combination of Bradshaw in view of Shannon,

disclose a method further comprising:

upon detecting at least a portion of the pre-selected data, preventing

access to the detected data (column 14, lines 37-41, Shannon).

---

[2] Examiner Notes: Wherein Table 3 is a form of an index data structure, which corresponds to the abstract data structure. Also, Shannon further discloses the pre-selected data being stored on a server (see column 6, lines 28-34).
[3] Examiner Notes: More details regarding the server being coupled to the client device via a network can be found at column 5, lines 6-20 and 45-50, Shannon.

Regarding Claims 3 and 21, the combination of Bradshaw in view of

Shannon, disclose a method wherein the text contained in the plurality of

documents is searched periodically (columns 9-10, lines 64-67 and 1,

respectively, Shannon).

Regarding Claims 6 and 24, the combination of Bradshaw in view of

Shannon, disclose a method further comprising:

receiving instructions defining a scope of a search for the client device

from the server (column 6, lines 28-47, Shannon).

Regarding Claims 8 and 25, the combination of Bradshaw in view of

Shannon, disclose a method wherein searching text contained in the plurality of

documents comprises monitoring one or more specific data operations for

presence of at least a portion of the pre-selected data (column 13, lines 23-34,

Shannon).

Regarding Claims 9 and 26, the combination of Bradshaw in view of

Shannon, disclose a method wherein at least one of the one or more specific

data operations is selected from the group consisting of a file-read, a file-write, a

file-update (column 9, lines 27-31, Shannon), a read from a removable media

device, a write to a removable media device, and access of data stored on any of

the plurality of data storage media by a program running on the client device

(column 12, lines 24-31, Shannon).

Regarding Claim 10, the combination of Bradshaw in view of Shannon,

disclose a method wherein the pre-selected data has a tabular format (column 8,

Table 3, Shannon).

Regarding Claim 11, the combination of Bradshaw in view of Shannon,

disclose a method wherein the pre-selected data is capable of being re-

structured into a tabular format based on relationships among elements of the

pre-selected data (column 7, Table 2 and lines 58-64, Shannon).

Regarding Claim 12, the combination of Bradshaw in view of Shannon,

disclose a method wherein the pre-selected data is maintained by an

organization in at least one of a spreadsheet, a flat file, and a database (column

8, lines 24-30, Shannon).

Regarding Claim 13, the combination of Bradshaw in view of Shannon,

disclose a method wherein the pre-selected data is associated with an abstract

data structure comprising a tuple-storage structure[4] derived from the pre-

selected data (column 8, Table 3, Shannon).

---

[4] Examiner Notes: The tuple-storage structure is Table 3 shown with numbered rows.

Regarding Claim 14, the combination of Bradshaw in view of Shannon, disclose a method wherein the abstract data structure comprises a plurality of tuples, each of the plurality of tuples including a row numbers of a data item in a corresponding cell of a tabular structure of the pre-selected data (column 8, Table 3 and lines 49-51, Shannon; wherein the plurality of tuples correspond to the multiple rows and also the rows within Table 3 are numbered which corresponds to the "including row numbers of a tabular structure").

Regarding Claim 15, the combination of Bradshaw in view of Shannon, disclose a method wherein each of the plurality of tuples additionally includes a column number (column 8, lines 57-62, Shannon) and optionally a column type of the data item in the corresponding cell.

13.   **Claims 4, 16-19, 22, and 27-30, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bradshaw (US Patent No. 5,835,722) filed June 27, 1996, in view of Shannon (US Patent No. 6,233,618) filed March 31, 1998, and further in view of Brandt (US Patent No. 5,892,905) filed December 23, 1996.**

Regarding Claims 4 and 22, the combination of Bradshaw in view of Shannon, disclose all of the claimed subject matter as stated above. However, the combination of Bradshaw in view of Shannon, are silent with respect to the

text contained in the plurality of documents being searched when the client

device is disconnected from the network. On the other hand, Brandt discloses the

text contained in the plurality of documents being searched when the client

device is disconnected from the network (column 17, lines 46-50, Brandt).

Bradshaw, Shannon, and Brandt, are analogous art because they are from the

same field of endeavor of access control of networked data. It would have been

obvious to one of ordinary skill in the art at the time of the invention to

incorporate Brandt's teachings into the Bradshaw and Shannon system. A skilled

artisan would have been motivated to combine as suggested by Brandt at

column 17, lines 51-55, in order to stay consistent with the maintenance on a

system, as well as ensuring reliability without undue disruption.

Regarding Claims 16 and 27, the combination of Bradshaw in view of

Shannon, and further in view of Brandt, disclose a method wherein the plurality of

data storage media is selected from the group consisting of a main memory

("DRAM"; column 10, lines 8-11, Brandt), a static memory, and a mass storage

memory.

Regarding Claims 17 and 28, the combination of Bradshaw in view of

Shannon, and further in view of Brandt, disclose a method wherein a plurality of

data storage media comprises

        one or more volatile storage device (column 5, lines 5-8, Bradshaw); and

one or more persistent storage device (column 10, lines 53-61, Brandt).

Regarding Claims 18 and 29, the combination of Bradshaw in view of

Shannon, and further in view of Brandt, disclose a method further comprising

detecting use of the pre-selected data by an application[5] running on the client

device (column 6, lines 8-15, Shannon).

Regarding Claims 19 and 30, the combination of Bradshaw in view of

Shannon, and further in view of Brandt, disclose a method further comprising:

identifying the application using the pre-selected data (column 10, lines

51-59, Shannon); and

reporting the identified application (column 10, lines 59-64, Shannon).

14.   **Claims 5 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable**

over Bradshaw (US Patent No. 5,835,722) filed June 27, 1996, in view of Shannon

(US Patent No. 6,233,618) filed March 31, 1998, further in view of Brandt (US

Patent No. 5,892,905) filed December 23, 1996, and further in view of Dascalu (US

Patent No. 5,958,015) filed October 29, 1996.

---

[5] Examiner Notes: The application corresponds to a "network device", which has access to the databases
and permits data communication (column 5, lines 12-20, Shannon).

Regarding Claims 5 and 23, the combination of Bradshaw in view of

Shannon, and further in view of Brandt, disclose a method wherein sending a

notification comprises:

upon detecting the pre-selected data, creating a message containing the

notification of the detection of the pre-selected data (column 14, lines 42-48,

Shannon); and

transmitting the message to the server after the client device is re-

connected to the server (column 18, lines 24-30, Brandt). However, the

combination of Bradshaw in view of Shannon, and further in view of Brandt, are

silent with respect to placing the message in a transmission queue. On the other

hand, Dascalu discloses placing the message in a transmission queue (column

4, lines 25-40, Dascalu). It would have been obvious to one of ordinary skill in the

art at the time of the invention to incorporate Dascalu's teachings into the

Bradshaw, Shannon, and Brandt system. A skilled artisan would have been

motivated to combine in order to provide a network device that offers access

control at particular levels for easier transmission.

Response to Arguments

Applicant argues, Bradshaw does not teach the newly added feature

"receiving an abstract data structure derived from pre-selected data to be

protected" and "searching, locally... *the indication being detected based on the* *abstract data structure without using the pre-selected data".*

Examiner respectfully disagrees. Applicant's argument with respect to the newly amended claim has been considered but is moot in view of the new ground(s) of rejection presented to the new feature. Even further, applicant's argument against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir.1986). In particular, secondary reference Shannon was relied upon for the disclosure of the above-argued feature (see action above).

Applicant argues, Shannon does not teach the newly amended "sending, **from the client device to the server, a notification of detection of at least a portion** **of the pre-selected data".**

Examiner respectfully disagrees. To begin, Shannon clearly discloses a notification of the detection of the pre-selected data at col.14, lines 42-48, wherein "*If step 209 does detect an attempt at restricted access to a service, web site, data or other restricted content, step 214 is executed which uses the source address in field 302 of the packet 300 to send a return notification of denial to the user at the client computer requesting the restricted data. Step 215 may also be executed which logs the illegal attempted request to a log file*". Next, Shannon teaches "*if either the IP address, the URL or any segment of the URL matches to any restricted destination information (i.e., columns 2, 3 or 4 of Table 3) for any of the categories obtained in step 205, then step 210 is executed which denies access to the requested web page, data, service or content requested in*

the packet received from the client at the network device 100. In other words, step 210 does not forward

the packet on to the content server indicated in the destination field" (see col.14, lines 26-35) and

"*However, if step 209 determines that neither the IP address, the URL, or any URL segments matched*

any of the restricted data for any of the active categories obtained in step 205, then step 211 allows the

request to be forwarded to the content server" (see col.14, lines 49-53); wherein the first

excerpt above discloses the detection of the pre-selected data and the information not

being forwarded on. The second preceding excerpt discloses that when the data is valid

that the content is forwarded to the server, thereby showing that a client to server

relationship/communication is present. As such, what can be understood from the below

examples, is that it would be obvious to one of ordinary skill in the art that when there is

a client to server setup it is evident that a notification can also be sent from the client to

the server. Examples of client to server relations are "*Local Area Network (LAN) composed of*

client computer hosts ("clients"), Wide Area Network (WAN) including server computer hosts ("servers")

and a network device having access control databases" (see col.5, lines 5-20), also "*the invention is*

applicable to <u>many types of data transfer operations made from client to server computers</u>" (see col.5,

lines 21-22), and "*As a "gateway", the network device 100 according to this invention is configured*

also to <u>monitor the data communications that pass between clients connected to the LAN 40 and servers</u>

<u>connected to the WAN 45</u>. The network device 100 can, for example, detect requests for web pages,

files or other data from any of clients 50 through 53 to servers 54 through 56. The network device 100

then either allows or denies the detected web page or information requests based on an examination of

the content of the specific requests in comparison with access control data stored in databases 203, 204

and 208" (see col.6, lines 4-14). All of the above excerpts detail and disclose the

information being sent from the client device to a server.

Applicant argues, Shannon does not teach the newly added feature "receiving an abstract data structure derived from pre-selected data to be protected, the pre-selected data being stored on a server" and "searching, locally... *the indication being detected based on the abstract data structure without using the pre-selected data".*

Examiner respectfully disagrees. To begin, applicant's argument with respect to the newly amended claims have been considered but is moot in view of the new ground(s) of rejection. Also, Shannon teaches a category/restricted destination database (208), wherein this database provides a list of URLs and IP addresses for servers containing restricted files, applets, documents, web pages or other content, for each category (see col.8, lines 24-67). This database is in the form of an index data structure (see Table 3), which corresponds to the abstract data structure derived from pre-selected data to be protected.

Points of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHELCIE DAYE whose telephone number is (571)272-3891. The examiner can normally be reached on M-F, 7:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Apu Mofiz can be reached on 571-272-4146080. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Chelcie Daye
Patent Examiner
Technology Center 2100
November 13, 2008

/Apu M Mofiz/
Supervisory Patent Examiner, Art Unit 2161